

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2004-012550

01/14/2008

HONORABLE LINDA H. MILES

CLERK OF THE COURT
L. Crawford
Deputy

IN RE THE MARRIAGE OF
STACY LUXTON

DEEAN GILLESPIE

AND

TODD LUXTON

DENNIS P LEVINE

MINUTE ENTRY

Courtroom 106

11:01 a.m. This is the time set for Post-Decree Resolution Management Conference regarding Respondent/Father's Motion to Modify Decree re: Child Support, and Petitioner/Mother's Cross-Petition for Contempt re: Non-Payment of Child Support, 2005 Tax Obligation and Unreimbursed Medical Expenses. Petitioner/Mother is present and represented by counsel, Steven G. Clark, appearing for Deean Gillespie. Respondent/Father is present and represented by counsel, Dennis P. Levine.

A recording of this proceeding is made by CD and videotape in lieu of a court reporter.

In preparation for today's conference, the Court reviewed Mother's Resolution Management Conference Statement filed December 14, 2007, and Mother's ADR Statement filed December 14, 2007. The Court just received Father's Position Statement and Resolution Management Conference Statement.

Discussion commences regarding the status of the case.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2004-012550

01/14/2008

LET THE RECORD REFLECT that the parties are put on notice that any further child support payments not paid through the Support Payment Clearinghouse may be considered as gifts.

LET THE RECORD FURTHER REFLECT that an information sheet entitled "Instructions for Making Support Payments Through the Support Payment Clearinghouse" is provided to Father in open court.

LET THE RECORD FURTHER REFLECT that the Court provided a medical expense reimbursement log to Mother in open court.

IT IS ORDERED that Mother shall complete the medical expense reimbursement log, file the original with the Court and provide a copy to Father's counsel prior to the next hearing in this case.

IT IS FURTHER ORDERED setting Evidentiary Hearing to the Court regarding Father's Motion to Modify Decree re: Child Support and Mother's Cross-Petition for Contempt on **April 29, 2008 at 1:30 p.m.** (time allotted: three hours), in this Division at:

Maricopa County Superior Court
Northeast Regional Court Center
18380 N. 40th Street
Courtroom 106
Phoenix, Arizona 85032

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the hearing in the allotted time, and the time will not be extended absent a Motion granted by the Court and filed no later than 20 days prior to the hearing. Such a Motion shall set forth good cause to extend the time and specifically include a list of each and every witness who will testify, and an estimate of the time and subject matter of the expected testimony of each witness.

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rule 49, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits, and a list of all witnesses who will testify and the subject matter of the expected testimony of each witness, no later than 30 days prior to the Hearing.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2004-012550

01/14/2008

2. All depositions and discovery contemplated by Rules 51 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed no later than 20 days prior to the Hearing.

3. Counsel and both parties shall personally meet, face to face, at least ten (10) days prior to the Hearing (unless both parties are unrepresented and there has been domestic violence between them) to conduct settlement discussions, prepare a Joint Pre-hearing Statement, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 6.8, Local Rules of Practice--Maricopa County (Family Court Cases), no later than 5 days prior to the hearing, unless both parties are unrepresented and there has been domestic violence between them. If the parties are unrepresented and there has been domestic violence between them, they shall file separate Pre-hearing Statements.

IT IS FURTHER ORDERED that the Pre-hearing Statement shall include the following attachments:

1. If child support, spousal maintenance and/or attorneys' fees are at issue, a current Affidavit of Financial Information completed by each party, together with a written statement as to whether the parties stipulate that the affidavits of both parties may be considered as evidence by the court as if marked as exhibits and entered into evidence pursuant to In Re Marriage of Kells, 182 Ariz. 480, 897 P.2d 1366 (App. 1995).

2. If child support is at issue, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.

3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2004-012550

01/14/2008

any and all available sanctions pursuant to Rule 71(A), Arizona Rules of Family Law Procedure and Local Rule 6.2(e), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that, if the parties have more than 5 exhibits to be marked, arrangements shall be made with the Clerk of this Division at least five (5) days prior to trial to schedule a time to deliver said exhibits to the Clerk. The parties shall present the Clerk with their exhibits in consecutive, numerical order; Petitioner's exhibits shall begin with exhibit 1 and Respondent's exhibits shall continue in consecutive, numerical order thereafter. All exhibits must be presented to the Clerk for marking; a space will not be held for an exhibit that is listed on an Exhibit List, but omitted from the set delivered to the Clerk. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

IT IS FURTHER ORDERED that the parties shall indicate in the Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing, all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Pre-hearing Statement shall be summarily admitted.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure.

Pursuant to the parties' stipulation,

IT IS FURTHER ORDERED that except for good cause shown, any request for payment or reimbursement of uninsured medical, dental, or vision costs must be provided to the other parent within 45 days after the date the services occur. The parent responsible for payment or reimbursement must pay his or her proportionate share, as ordered by the Court, or make acceptable payment arrangements with the provider or person entitled to reimbursement within 45 days after receipt of the request. Failure to make such payment(s) may result in a finding of contempt, which may result in sanctions, including incarceration.

11:26 a.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.